

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
MARK JOSEPH KOSEK and :
CAROL LYN KOSEK : CHAPTER 13
Debtors. : CASE NO. 5-21-02442

OBJECTION TO CERTIFICATION OF DEFAULT

NOW COMES, Mark and Carol Kosek, the above Debtors, by and through their counsel, Tullio DeLuca, Esq., and files this Objection to Certification of Default and states the following:

1. On April 24, 2023, a Motion to Dismiss due to material default was filed.
2. On June 27, 2023, Jack N. Zaharopoulos, Esq. filed a Certificate of Default stating that the Debtors have failed to file an amended Plan to cure the arrears.
3. Debtors' Counsel advised the Trustee's office that they were awaiting for a Stipulation for the mortgage company. The Stipulation was necessary to file an amended Plan, as the Debtors were including post-petition mortgage arrears in the amended Plan.
4. Debtors' Counsel just received the proposed Stipulation from the mortgage company today. Therefore, an amended Plan will be filed with the Court today.
5. The Debtors request that a hearing be scheduled on the Objection to the Certificate of Default.

WHEREFORE, the Debtors respectfully request that this Honorable Court sustain the Objection to the Certification of Default and deny the dismissal of the Chapter 13 Case.

Respectfully submitted,

Date: June 27, 2023

/s/Tullio DeLuca
Tullio DeLuca, Esquire
PA ID #59887
Counsel for Debtor
381 N. 9th Avenue
Scranton, Pa 18504

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 27, 2023 he caused a true and correct copy of Debtors' Objection to Certification of Default to be served Via electronic filing on the following CM/ECF participants:

Jack N. Zaharopoulos, Esq. at info@pamd13trustee.com

Date of Mailing: June 27, 2023

/s/Tullio DeLuca

Tullio DeLuca, Esquire